

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONNIE RANDLE,

Plaintiff,

V.

SAN FRANCISCO COUNTY SHERIFF,

Defendant.

Case No. 24-cv-04511-RMI

ORDER OF DISMISSAL WITH LEAVE TO AMEND

Plaintiff, a detainee, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983.

Plaintiff has been granted leave to proceed *in forma pauperis*.

DISCUSSION

Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity, or from an officer or employee of a governmental entity. 28 U.S.C. 1915A(a). In its review, the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at § 1915A(b)(1), (2). Further, it should be noted that pleadings submitted by pro se parties must be liberally construed. *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” While specific facts are not necessary, the statement needs to give the defendant fair notice of the nature of the claim and the grounds upon which it rests. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007). Although a plaintiff need not include detailed factual allegations in a complaint, the complaint must do more than recite elements of a

1 cause of action and state conclusions; rather a plaintiff must state factual allegations sufficient to
2 raise the entitlement to relief “above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550
3 U.S. 544, 555 (2007). A complaint must proffer “enough facts to state a claim to relief that is
4 plausible on its face.” *Id.* at 570. The Supreme Court recently explained this standard: “[w]hile
5 legal conclusions can provide the framework of a complaint, they must be supported by factual
6 allegations . . . [and] [w]hen there are well-pleaded factual allegations, a court should assume their
7 veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Ashcroft*
8 *v. Iqbal*, 556 U.S. 662, 679 (2009).

9 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements:
10 (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that
11 the alleged deprivation was committed by a person acting under the color of state law. *West v.*
12 *Atkins*, 487 U.S. 42, 48 (1988).

13 Legal Claims

14 Plaintiff alleges that he was assaulted at the San Francisco County Jail. It appears Plaintiff
15 is a pretrial detainee.

16 The Due Process Clause of the Fourteenth Amendment protects a post-arraignment pretrial
17 detainee from the use of excessive force that amounts to punishment. *Graham v. Connor*, 490 U.S.
18 386, 395 n.10 (1989) (citing *Bell v. Wolfish*, 441 U.S. 520, 535-39 (1979)). To prove an excessive
19 force claim under § 1983, a pretrial detainee must show only that the “force purposely or
20 knowingly used against him was objectively unreasonable.” *Kingsley v. Hendrickson*, 576 U.S.
21 389, 397 (2015). “A court must make this determination from the perspective of a reasonable
22 officer on the scene, including what the officer knew at the time, not with the 20/20 vision of
23 hindsight.” *Id.* “A court (judge or jury) cannot apply this standard mechanically.” *Id.* “[O]bjective
24 reasonableness turns on the ‘facts and circumstances of each particular case.’” *Id.* (quoting
25 *Graham*, 490 U.S. at 396).

26 A non-exhaustive list of considerations that may bear on the reasonableness of the force
27 used include “the relationship between the need for the use of force and the amount of force used;
28 the extent of the plaintiff’s injury; any effort made by the officer to temper or to limit the amount

1 of force; the severity of the security problem at issue; the threat reasonably perceived by the
2 officer; and whether the plaintiff was actively resisting.” *Kingsley*, 576 U.S. at 397.

3 Plaintiff’s brief complaint states that he was physically assaulted on January 26, 2024, and
4 as a result, his lip and teeth were bleeding and swollen. He states that he was wrongfully punished
5 for the incident, though he did not initiate the assault. He does not identify any defendants.

6 Plaintiff’s complaint is dismissed with leave to amend to provide more information.
7 Plaintiff must identify the specific defendants and describe their actions and the circumstances that
8 led to the assault. He must present more allegations describing how the individual defendants
9 violated his constitutional rights.

10 CONCLUSION

11 1. The complaint is **DISMISSED** with leave to amend in accordance with the standards
12 set forth above. The amended complaint must be filed within **twenty-eight (28) days** of the date
13 this order is filed, and it must include the caption and civil case number used in this order and the
14 words “AMENDED COMPLAINT” on the first page. Because an amended complaint completely
15 replaces the original complaint, Plaintiff must include in it all the claims he wishes to present. *See*
16 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff may not incorporate material
17 from the original Complaint by reference. Failure to amend within the designated time will result
18 in dismissal of this case.

19 2. It is Plaintiff’s responsibility to prosecute this case. Plaintiff must keep the court
20 informed of any change of address by filing a separate paper with the clerk, headered “Notice of
21 Change of Address,” and must comply with the court’s orders in a timely fashion. Failure to do so
22 may result in dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil
23 Procedure 41(b).

24 IT IS SO ORDERED.

25 Dated: September 9, 2024

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ROBERT M. ILLMAN
United States Magistrate Judge